IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

WP(C).No. 34300 of 2006(G)

PETITIONER:

A.J.JOHN, ALUNKAL HOUSE,
ANICKADU EAST, P.O.KOTTAYAM.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

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1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
ERNAKULAM.

2. JOHNSON A.MATHEW,
ALUNKAL HOUSE, ANICKADU EAST P.O.,
KOTTAYAM.

BY ADV. SRI.I.DINESH MENON-R2
GOVERNMENT PLEADER SMT.N.SUDHADEVI-R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX:

PETITIONER'S EXHIBITS:

EXT.P1- TRUE COPY OF THE PERMIT NO.G/142/1997/E DATED 25-7-1997 ISSUED BY THE FIRST RESPONDENT TO THE 2ND RESPONDENT.

EXT.P2- TRUE COPY OF THE TEMPORARY PERMIT DATED 15-9-2006 ISSUED BY THE IST RESPONDENT TO THE 2ND RESPONDENT'S VEHICLE NO.KL-5/K 5590.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.34300 of 2006-G

Dated this the 11th day of April, 2007

JUDGMENT

The petitioner challenges the successive issuance of temporary permits, to the second respondent, to operate on the route Kumaly-Konnakkad. According to him, the regular permit is not a valid permit for want of counter signature. Therefore, no permit could be issued under Section 87 (1) (d) of the Motor Vehicles Act.

2. The learned Government Pleader, upon instruction submitted that the temporary permit is being issued to the second respondent based on the decision of the R.T.A. dated 27-1-2005 authorising the Secretary to issue temporary permit.

3. Further, it is admitted by the petitioner that there is no time clash between the timings of his service on the route Pathanamthitta-Padichira and the service of the second respondent. Therefore, the petitioner has no locus standi to meddle in this matter even assuming that there is some illegality or irregularity in the operation of the service by the second respondent.

The Writ Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

MS